Federalism exit short note

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What is Federalism?

- it is a form of non-centralized mode of organizing a polity.
- It refers to a "union of separate states in which power is divided and shared between a strong union government and strong state governments.
- Inherent in the federal idea is thus the idea of "shared rule and self-rule."
- federalism presumes the existence of at least two layers (tiers) of government in a polity, namely, that of the Federal government and of the State governments.
- Federations refers to the institutional expression whereas federalism refers to a normative concept.

Definition

- the word ‘federalism’ comes from the Latin, *foedus*, meaning "covenant".
- It is a solemn agreement among smaller polities to form a larger perpetual polity.
- there are various forms of organizing governments on the federal line:
- a) Federation; b) confederation; c) federacy; and d) associated statehood.
- NB. read the detail on the handout

federations distinguishes from….

- What basically **distinguishes** federations from decentralised unitary systems and from confederations?
- in *unitary systems the governments of the constituent units ultimately derive their authority from the* ***central government,***
- in **confederations** the central institutions ultimately derive their authority **from the constituent units** and consist of delegates of the constituent units.
- In a federation, however, **each order of government** derives its authority, not from another order of government, but from the **constitution**.

Why federalism?

Why an increased interest in federalism?

- To fulfill the desire of citizens to be both global consumers and local self-governing at the same time-

  Combine independence and interdependence

- it provides a technique of constitutional organization that permits action by a **shared government for certain common purposes**, combined together with autonomous action by smaller constituent units of government.
- It provide the closest **institutional approximation** to the complex multicultural and multidimensional economic, social and political reality of the contemporary world.

Choosing Federalism: *Origins of federations*

- Federations have arisen in a very different circumstances, each being the unique result of choices by political leaders and larger historical forces.
- Federalism has been chosen to:
  - bring together formerly separate units into a new country,
  - rearrange a previously unitary country, and
  - as a product of both processes together.

formation and evolution in a variety of ways:

- **coming together :**the **emergence** of a **new**, federal country. Previously separate units—
- independent states or colonies—concluded that they had enough common interest and shared identity to join together in a federal arrangement.
- **Eg USA, SWITZERLAND**
- **federal structure permit each unit to preserve some of its autonomy while pooling other aspects in the new community.**

- **holding together /devolution: Previously** unitary and highly centralized (often authoritarian and undemocratic) structure.
- The eventual choice of federalism was in response to democratic political pressures for **devolution** because of the country's multiple languages, religions or ethnicities, and, perhaps, major economic differences between regions.
- eg. Spain, Belgium, Ethiopia, Iraqi…

- In yet other cases, these two **processes combined**.
- Canada emerged from the creation of Ontario and Quebec out of a previously unitary regime and from the addition of new provinces.
- India too combined these two processes.

Historic waves /origin of federalism

- **Federations have been formed in a series of historical waves over the last two centuries.**
- The **creation of new countries** with formerly independent units coming together in a federal form.
- Switzerland (1848)
- USA(1789)
- Canada in 1867

- Australia in 1901.

Orin

- **The post-colonial federations: both failed & ‘successful’**
- India, Pakistan, Malaysia, and Nigeria have endured as federal systems.
- The efforts by the departing colonial powers to bring together formerly separate colonies into new federal countries were not a success in the West Indies, Central Africa, French West Africa, and East Africa, nor were attempts to introduce federal arrangements in Indonesia, Mali, and Uganda.

Origin

- **new federations emerging from the collapse of communism**.
- The communist Soviet Union, Czechoslovakia, and Yugoslavia all had nominally federal constitutions, but were in reality centrally controlled one-party regimes.

- **new federations were emerging from unitary states**. Belgium is the clearest example, formally adopting a federal constitution in 1993. As Spain devolved significant powers to its autonomous regions and became effectively federal. South Africa also adopted an essentially federal structure.

Origin

- new federations emerging from post-conflict situations.
- Bosnia-Herzgovena
- Ethiopia,
- Congo’s
- Iraq’s
- **the experience of democracy have been critical in shaping federal experiences.**

Evolution of federations

- All federations evolve over time. Some have gone through major formal constitutional changes, while others have changed significantly despite largely stable constitutions.
- Factors such as:
- ✓ the creation of new constituent units,
- ✓ urbanization,
- ✓ major demographic and economic shifts,
- ✓ new technologies,
- ✓ major global and domestic political developments, and
- ✓ the experience of democracy have been critical in shaping federal experiences.

Suitability of federalism

- **“Federalism is not always best, and there is no best version of federalism.”**
- Federalism seems particularly suited to:
- ✓ democracy,
- ✓ very large populations or territories,
- ✓ highly diverse populations that are regionally concentrated.
- ✓ sense of **identity** with the whole **country…..**
- ✓ lively and engaged political communities at the regional level.
- Federalism is suitable for some countries, not all.
- Federalism is rooted in constitutionalism and the rule of law.
- It is a **sham** in non-democratic countries.

Federalism's importance, variety and common futures

Federalism is increasingly important in the world.

- More than 28 countries, either call themselves federal or are generally considered to be federal.
- Almost all democracies with very large areas or very large populations are federal. More than 40% population

- With democratization, Argentina, Brazil, and Mexico are becoming increasingly federal.
- • Belgium, Ethiopia, and Spain are formerly unitary countries that have become federal
- Federalism has been adopted in post-conflict environments in Bosnia, the Democratic Republic of Congo, Iraq, Sudan, and South Africa, and is being considered in Sri Lanka and Nepal.
- The European Union has a number of federal characteristics.

Federalism's variety

Federalism comes in many varieties and contexts

- Some Federations have very large and very small , rich and poor, very homogenous and very diverse populations. Some federations are long-standing democracies, while others have more recent and troubled histories of democracy.

- Some federations are highly centralized, while others are decentralized
- Some have quite clear divisions of powers while others have widely overlapping powers.
- Some have parliamentary system; others have presidential systems.
- Some federations are stable and harmonious, while others are unstable and divided.
- **No one model would be appropriate in all circumstances**. **The capacity for variety is one of federalism's strengths.**

Federalism's common characteristics

1. **At least two orders of government,** one for the whole country and the other for the regions.

2. **A written constitution:** A constitution that formally allocates legislative, including fiscal, powers to the two orders of government.
3. **Some genuine autonomy for each order**

4. **representation of the constituent units** in key central institutions to provide for regional input in central decision-making, notably in **upper houses.**
5. An **umpire** or procedure (usually involving **courts**, but sometimes referendums or an upper house) to rule on constitutional disputes between governments.

6. A set of processes and institutions for facilitating or conducting **relations between governments-IGR----Upper houses**

Division of Powers in Federations

- Division of power is the hall mark of every federation.
- Official constitutional sharing of legislative and executive powers and a sharing of revenue sources between the federal government and states is key future of every federation.
- Both levels of government are autonomous with respect to the powers granted to them by the federal constitution.
- neither governments are constitutionally subordinate to the other.
- each has sovereign powers derived from the constitution rather than another level of government.

- ***Models for assigning legal powers***

- There are **two broadly** different approaches to distributing powers within federations:
- dualist
- integrated models.
- Many countries have elements of both.

The dualist/classical model

- typically assigns different jurisdictions to each order of government
- **constitutional jurisdiction** over different subjects is usually assigned exclusively to one order of government.
- the federal government's departments are thus present throughout the country.
- These model does not achieve a neat separation of powers because so many issues have regional, national, and even international dimensions and many different responsibilities of governments are themselves intertwined.

Division…

- In all dualist constitutions there are some shared or **concurrent powers.**
- In addition, there can be **de facto concurrency** when both orders of government have different powers that bear on a question: this is **a kind of shared power** and typically it does not involve paramountcy.
- Canada, Brazil, and the United States are examples of largely dualist federations;

Division… The integrated model

- **This** model provides for many shared competences and the constituent-unit governments often administer centrally legislated programs or laws.
- integrated (or interlocking) model of federalism-exemplified by Germany, some subject matters are exclusively assigned to one order of government but most subject matters are concurrent, where the central government sets **framework** legislation that the constituent units can complement (but not contravene) with their own legislation.
- This model is also sometimes called **administrative federalism** because the principal powers of the constituent units are administrative.
- Germany, Austria, South Africa, and Spain follow the integrated model.

Division

- India and Switzerland have strong features of both.

NB. No federation is purely of one form.

Legal sources of powers

- Normally, the distribution of powers is set out in the constitution.
- the powers of individual constituent-unit governments can be substantially determined through bilateral agreements with the federal government.
- Some federations permit the delegation of legislative responsibility between orders of government while others do not.
- Constitutions differ enormously in the level of detail and approach.

Legal…

- For example, the United States Constitution has only 18 headings for the powers of the federal government and most of these are actually concurrent with federal paramountcy; all other powers (residual powers) lie with the states.
- The Indian Constitution, by contrast, has three long lists: the union list has 97 headings, the concurrent list, 47, and the state list, 66.
- The Spanish Constitution lists competences that may be assigned to the autonomous communities, but this is done legally through statutes of autonomy for each community, and these statutes can vary.

Legal….

- In many federations, interpretations by the courts and evolving practice has shifted the real division of powers significantly away from the intent of the constitution's drafters, making the federation more or less centralized than was first envisaged.
- This is probably most true of the older, less detailed constitutions.

Key terms: '**Concurrent**': both orders can make laws in a defined area, usually with federal paramouncty.

'**Joint**': the two orders make some concurrent decisions together.

'**Shared**': each order has some different legal powers in the broad area and decisions are made independently.

Approaches in dividing powers

- In dividing power, among other things, consideration is made to identify which power and function is placed on **shared-rule and which are best placed in the sphere of self-rule.**
- The question then is how power is divided between the federal government and the states?
- There is no a priori formula to determine which powers should be devolved to the federal authority and which to the regional authorities.
- there appear to be three general trends in the distribution of powers

Approaches….

- to grant a list of **exclusive** powers to the federal government, leaving the **residual** powers to the constituent states or provinces (Pakistan);
- to identify a list of powers pertaining to the federal and constituent units respectively, leaving the **residual** powers to the federal government (Canada, Belgium); and
- to draw up **two** lists: federal jurisdictions and concurrent jurisdictions. All residual powers are left to the states (USA, Switzerland, Australia, Germany, and Austria).

Fiscal Federalism

Money and Fiscal Powers

- The importance of money Arrangements around the raising, sharing, and spending of money are critically important, both politically and economically, for the functioning of federal systems.
- The truism that money matters applies as much in federal systems as it does in life generally.
- First, arrangements around who determines and collects taxes and other revenues and who spends them, how, and on what are fundamental to the real division of powers in a federal system.
- Second, the ways in which money is raised and spent can significantly affect the economic health of a federation.

Political Institutions of the Central Government

- The political institutions—legislative, executive, administrative, and partisan—at the centre of a federation help define and shape the character of the federation. The institutional arrangements within the constituent units and the central government are usually of the same type.
- Central governments in federations are made up of formal and informal institutions and practices, which, in turn, **strongly affect the nature and functioning** not just of the central government but of the whole federation

Political Institutions of the Central Government

Such institutions can:

- be parliamentary or presidential in form;
- give considerable weight to regional or special group representation;
- use majoritarian or proportional electoral systems;
- feature one dominant political party, two alternating parties, or multiple parties of very different sizes; and,
- have a partisan, political culture of winner-takes-all, or one of consensus with broadly based governments and decision making.

Political Institutions of the Central Government

- In order to maintain their legitimacy and effectiveness, central governments should meet their constitutional responsibilities:
  - ✓ foster national unity,
  - ✓ develop national identity,
  - ✓ protect rights and minorities, and
  - ✓ promote the healthy functioning of the federation.
- In practice, their success, or even their commitment to these goals, can depend heavily on the choice of institutional arrangements and practices.

Parliamentary, presidential, and mixed regimes

- In parliamentary regimes, the executive is largely drawn from the legislature and must keep the confidence of the lower house to stay in office.
- In presidential regimes, the president is elected by the population, and the president names the cabinet (perhaps with some measure of legislative ratification). Neither the president nor the cabinet requires the confidence of the legislature to remain in office.
- There are important variations on these models in Russia, South Africa, and Switzerland.

Upper houses and territorial representation

In federations, representation formula for upper house is based on **constituent units** and the lower house allocating membership closer to representation by **population**;

- are elected or named in different ways; and,
- can have quite similar or very distinct powers.
- There is no consistent pattern across federations on these matters.

- However, in parliamentary regimes, the lower house is usually the confidence chamber that determines who forms the government.

Principles of representation

- Representation in the upper house is frequently based on equal representation for each constituent unit,
- but many federations have allocations that take into account **differences in population** (e.g., big units getting two or three times the number of representatives of small units).
- Members can be elected directly(by the people), or indirectly (by state legislature).
- Directly, and even indirectly, elected upper houses usually play a relatively small role in representing the interests and views of the governments of the constituent units.
- **The upper house that plays the most distinctive federal role is probably the Bundesrat in Germany**

Powers of upper houses

- There is no consistent pattern in the powers assigned to upper houses in federations.
- In some federations, they have both all the powers of the lower house and special additional powers; for example, over treaties, declarations of war, and high appointments.
- At the other extreme, some upper houses are little more than revisionary chambers, with limited powers to amend or delay some legislation (and possibly subject to an override by the lower house).
- Some upper houses are designed to play a role in federal matters, such as legislation affecting the constituent units or specified minorities or rights.

Political parties

- Political parties are basic to the functioning of federations.
- The character of parties and of the party system reflects political cleavages within the population and partisan history, but is also significantly shaped by electoral laws and constitutional arrangements.
- Federations vary in having one dominant party, two or more major, or many parties.
- Usually parties operating at the federal level are linked to parties within the constituent units, but there are exceptions.

The Legal Pillars of Federalism

1. The constitutional basis of federalism

- Effective federal governance must be based on a written constitution and the rule of law. The constitution sets the basic framework and **principles** of the federation.
- **Constitutions vary greatly in their length, specificity, and accessibility.**
- the constitution must establish certain key institutions and allocations of **responsibility** within the federal system.

constitutional basis….

what should be put into a constitution or left to ordinary laws?

- Constitutional provisions around the definition of the country----art 1
- the recognition of minority nationalities----54/2
- language rights, and religion can be very important in dividing or uniting a population around the constitution……Arts 5, 27& 39
- Ideally, there should be broad consensus around constitutional provisions because it is the ‘basic law’: this is the reason for special thresholds for constitutional amendment.

Constitutional arbitration

- Two independent orders of government in a federation create a need for a constitutional arbiter to resolve conflicts over their respective constitutional competencies….HOF

Eg.When both orders of government have concurrent legal authority over a subject, the laws of one order must prevail in cases of conflict; thus constitutions indicate which order has paramountcy.

Normally the central government’s laws are paramount.

arbitrator

The Role of Courts ----ETHIOPIA??

- A strong, autonomous judiciary is crucial for the rule of law.

- Within most federations, the judiciary, in particular the highest or constitutional court, has the ultimate authority for resolving constitutional disputes.

- two federations do not give all aspects of final arbitration on the constitution to their high court: The Switzerland (**referendum)** and Ethiopia (**HOF**)

non-federal powers….

Emergency and special non-federal powers---62/9

- In some federations, the central government or its executive can override normal constitutional arrangements in special circumstances, such as emergencies.
- They can be a general **directive**, **suspension**, or of **disallowance**.
- While justified in limited circumstances, such powers can be abused to circumvent the spirit of constitutional government.

constitutional basis….

- **Examples of Emergency and Override Powers in Some Federations**
- **Canada:** central government can **disallow** provincial legislation before it is enacted and declare any work or undertaking to be federal,
- **Nigeria**: the president may declare an emergency in a state and **suspend** its government for a period, which has happened once.
- **Russia**: the president declare a state of emergency and **suspend** acts of states (federal units)
- In **South Africa,** central government can issue **directives** or directly assume a provincial responsibility. when the province.

Constitutional amendment

- Federal constitutions have special procedures and often requires some measure of consent by the legislatures or populations of constituent units for their amendment.
- in federations, the federal principle leads to a role for constituent units in constitutional amendment, especially in coming-together federations as opposed to formerly unitary federations.
- ***Federations vary greatly in how much consent is necessary to change the powers of all constituent units: this can range from not much more than a majority to virtual unanimity.***

amendment

- **Examples**
- **United States:** approval of two-thirds of members in both national houses and of three-quarters of states.

- **Belgium**: two thirds majority in both houses (thus in effect requiring substantial consent from both major communities).

- **South Africa:** special majorities in the lower house plus the consent of six of the nine provinces for amendments affecting them.

- Some federations have different amendment rules for different sections of their constitution: thus **Canada** has at least five rules, with some issues requiring unanimous consent.
- **India** has different rules for different sections: the unusual **noninvolvement** of states in changes to **state boundaries** was deliberately chosen in the expectation that early adjustments to state boundaries would have to be made.

Rights in federal constitutions

- Many federal constitutions have provisions relating to rights that can be invoked in relation to laws or actions of governments.
- Rights can be political, legal, social, linguistic, or economic.
- They can be important as political symbols…..rights to secession??
- They can apply equally throughout the federation or be specific to a constituent unit or a population.
- The interpretation of rights is a central role for courts in many federations……HOF???

Intergovernmental Relations and Politics

- ***Interdependence and interaction***
- All federations have considerable interdependence between governments.
- Interdependence is particularly marked in federations where: the constituent-unit governments **deliver** many **federally legislated programs** or laws,
- there is extensive **concurrency** or joint responsibility in many areas,
- the constituent units depend heavily on **conditional financing** from the central government.

Unity and Diversity

- Unity is a key issue or challenge in many federations, particularly those with major divisions of identity along:
  - ✓ **class,**
  - ✓ **linguistic,**
  - ✓ **ethnic,**
  - ✓ **religious, and**
  - ✓ **other lines.**
- A major unity challenge can exist in both federal and non-federal regimes. In some cases, the challenge takes the form of a **separatist movement**.

Unity…

federations are extremely varied in their institutions and social make-up.

- Some are relatively **homogenous** and citizens share a strong and dominant sense of a national identity. In these federations, unity is not a major issue and the social forces in the federation often create pressures for further centralization.

- Others are very **diverse** and citizens identify with very distinct groups, which have conflicting views or objectives.
- In some cases, members of a particular group may see their identity as incompatible with the national identity, thus creating tensions around the issue of national unity.
- The long civil war in South Sudan, the Basque in Spain, the insurgency of Tamil rebels in Sri Lanka are all examples of major unity challenges in unitary countries.

Unity…

- The United States, Nigeria, and Pakistan during their civil wars, and Canada, faced with a separatist movement in Quebec, are all examples of federations facing unity challenges.
- While the risk of separatism is often associated with federalism, historically, separatist movements have been prevalent in many unitary countries as well.
- Response to challenges of unity:
  - ***Repressing or***
  - ***embracing***

Unity…

Repressing diversity

- **Major unity challenges can be met with repression, exclusion, and assimilationist policies, but these often worsen the problem and risk leading to violence.**
- Some governments, especially undemocratic ones, use such methods.

- While, historically, some assimilationist policies have succeeded in integrating a minority into the larger population (e.g., in adopting the majority language) such policies risk creating strong resentments and a sense of alienation.

- If a group targeted by repressive policies becomes deeply alienated and sees little prospect of peaceful resolution, it can **turn to violence**.

Unity…

Embracing diversity

- Democracies, including federations, can promote a positive political nationality that citizens feel is compatible with their other important identities within a climate of tolerance and accommodation. **Embracing diversity as a national value can enhance unity.**
- This is least likely when a group believes that the national identity conflicts with its strongly felt regional, ethnic, religious, or linguistic identity—for example, because the population is seriously under-represented in government, its religion is discriminated against, or its language is not respected or permitted to be used.

Unity…

- Frequently the challenge of unity involves not only addressing the concerns of minority groups, **but also promoting a political culture of tolerance and accommodation within the minority and majority communities.**

- Some majorities have defined their country in terms that reflect only themselves, to the exclusion of minority communities.

- At a minimum, a more positive culture promotes tolerance- collective embrace of diversity as part of the national character, with symbols and policies that resonate with the different streams in the society.

- India, Nigeria, Ethiopia, Canada, Switzerland, and South Africa are all examples of federations whose approach to promoting unity involves the embrace of diversity.

A balanced approach to diversity

- The embrace of diversity requires a balanced approach of
- **‘building out’** and **‘building in’**

- **Building out** involves accommodating the demand for regional government.

- **Building in** involves ensuring that key minorities are integrated into the symbols, institutions, and policies of the central government as well as through other constitutional provisions

Unity…

- a policy of empowering constituent governments to the exclusion of accommodating key regional minorities within central institutions risks accelerating the dynamic of disintegration in a country.

- If key identity groups do not see themselves properly reflected in central institutions, there is little likelihood they will maintain or increase their **sense of national identity** and more likelihood that they will support ever more devolution—or secession.

Unity…

Building out: devolution

- involves creating or empowering regionally defined constituent units to respond to the demands of a territorially concentrated population, and is at the heart of federal arrangements.
- The stability of many federations, notably very diverse ones, such as India, Canada, and Switzerland, Ethiopia has depended on their devolved, federal form of government.

building out

- some federations, such as India, Nigeria, and Ethiopia, have far more language groups and ethnicities than they have constituent units: it is not practical to imagine that all small groups can have their own constituent unit.

- some quite distinct ethnic, linguistic, or religious groups may be so widely dispersed that there is no prospect of their being the largest population within a constituent unit.

- **Thus, the creation of constituent units can be part of a response to diversity, but it cannot be the whole answer.**

Building in ...

a representative centre

- Building in promotes unity by enhancing the recognition and role of key populations within the institutions of the central government and by providing protection for minorities.
- A balanced approach to a unity challenge normally includes **defining the country or national community** with both nationally accepted symbols (rights, flag, etc.)
- and appropriate inclusion of the symbols, history, religion, and language of key populations (and not defining the country in terms of the majority population only);

Building in

- **promoting certain national programs** (e.g., a common market, a national health system, a national pension scheme) that are widely viewed as uniting, national projects of mutual benefit;
- **ensuring that key populations are properly represented and empowered in central institutions**: formal or informal practices can ensure a representative composition of the government, the civil service, the military……
- **protecting minorities** within the constituent units: federations often have different majorities and minorities at the national and constitution

Unity post-conflict

- **Creating unity in post-conflict *Unity post-conflict***
- **environments poses special challenges. Federalism may be part of a peace plan or strategy.**

- Most long-established federations emerged peacefully. Switzerland is something of an exception.

- A number of federations have experienced periods of internal violence: the civil wars over secession in the United States and Nigeria; the Mexican revolution; various Argentine conflicts; insurgency in Spain's Basque country.
- Societies are usually deeply divided after such conflicts and it can take a long time for politics to normalize, but, in all the countries mentioned, the issue of secession is either resolved or much reduced.
- In recent years, there have been various experiments introducing federal arrangements as part of peace plans after conflicts: **Bosnia-Herzegovina**,, the **DRC**, and **Iraq** have all adopted federal institutions.

Federalism and secession

- **There is no standard constitutional approach to dealing with the possibility of secession. Many federal constitutions exclude the possibility, but there are exceptions. Developing democratic procedures for secession poses significant issues.**
- The United States (an ‘indestructible union’), Mexico, Brazil, Nigeria, India, and Spain are examples. (Spain also prohibits autonomous communities from holding referendums on secession.)

- In other cases, such as Australia, Germany, and Switzerland, the constitution is silent on the issue.

- International law sees the right of secession as legitimate only in cases of severe abuse of the human rights of a population and of decolonization.

- **Ethiopia??**

Conditions for federal success

- broad respect for the rule of law,
- culture of tolerance and accommodation between population groups,
- and significant elements of shared identity.
- Institutional arrangements can be important in achieving stability.
- Leader's-unifying role- Gandhi & Mandela

- independence of the courts

Ethiopian federalism: past & the present

The Past

- The historic Ethiopian state was a unitarist state making the least effort to institutionalize federalism or other forms of decentralization.
- The commitment to *the ideal of a strong unitary state* had anathematized federalism as a step to the dismemberment of the country.
- The country was seen as *too united* or *too delicate* to accommodate such arrangement.

Ethiopian…

Ethio-Eritrean federation??

- In 1952, Eritrea was federated to Ethiopia by a Federal Act of the United Nations.
- Two traits most describe the Ethio-Eritrean Federation:
- 1) that it was more of an international compromise than an internal 'convenant'; and
- 2) that it is, as most commentators called it, a marriage between unequal-it was imposed from outside, the giant and the dwarf, the strong and the weak, the rich and the poor, the autocratic and the democratic.

Ethiopian…

Present

- The origins of the current federal option are in the ethno-nationalist liberationist rhetoric of the post-1991 era of Ethiopian history.

- Transitional Charter (TC) that served as the interim constitution from 1991 to 1995 for the first time in Ethiopia's history ethnic groups' rights as such are guaranteed a formal legal recognition.

- The TC recognized the right of "nations, nationalities, and peoples" to self-determination up to and including secession.
- In complete departure from the unitary past, the Charter devolved power from the center to the self-governing regions and signaled the beginning of a 'holding together' federalism.

Ethiopian…

- In 1995, this move to a federal system through ‘scaling down’ was perfected when the explicitly federal (Federal Democratic Republic of Ethiopia’s [FDRE] Constitution came into force.
- While diverse and divergent perspectives have emerged on the merit or wisdom of the federal option in Ethiopia, one cannot genuinely gainsay that the federal option was a reaction to what was thought to be an oppressive unitary past,

Ethiopian…

- **The Federal Compact: Negotiating the Federal Idea**

- Federalism was formally ushered in by the 1995 Constitution. The Constitution constituted the federation and continues to be its compact.
- But what does the federal constitution, Ethiopia's federal **compact**, offer?

Ethiopian…

- **Ethiopian Federalism: Distinctive Features**
- The federation that was born out of the concern for ethno-nationalist groups' right to self-determination (which in turn was a result of an age-old quest for ethno-cultural justice) manifested a number of *unique features*.
  - ✓The recognition of the right of secession,
  - ✓the use of ethno-linguistic criteria as a basis of state formation,
  - ✓the unconventional constitutional interpretation through the upper house of the federal legislature,
  - ✓ the fact that states are not directly represented in the upper house,
  - ✓the fact that the upper house has little, if any, legislative role, etc, can be mentioned as evidence of its unique features.)

I Wish you a safe exist!!

Thank you